

1 MCGREGOR W. SCOTT  
United States Attorney  
2 MATTHEW STEGMAN  
Assistant U.S. Attorney  
3 501 I Street, Suite 10-100  
Sacramento, California 95814  
4 Telephone: (916) 554-2793

5  
6  
7  
8 IN THE UNITED STATES DISTRICT COURT FOR THE  
9 EASTERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA, ) CR-S-04-408 DFL  
12 Plaintiff, ) FINAL ORDER OF FORFEITURE  
13 v. )  
14 DAVID NUNEZ MALDONADO and )  
GUADALUPE MARIA LUNA, )  
15 Defendants. )  
16 \_\_\_\_\_ )

17 WHEREAS, on June 28, 2006, this Court entered a Preliminary  
18 Order of Forfeiture pursuant to the provisions of 18 U.S.C. §  
19 981(a)(1)(C), as incorporated by 28 U.S.C. § 2461(c), based upon the  
20 plea agreements entered into between plaintiff and defendants David  
21 Nunez Maldonado and Guadalupe Maria Luna forfeiting to the United  
22 States the following property:

- 23 a. Approximately \$7,139.00 in U.S. Currency seized on  
24 or about October 26, 2004;  
25 b. Approximately \$2,405.00 in U.S. Currency seized  
26 on or about October 26, 2004;  
27 c. Approximately \$8,986.20 in U.S. Currency seized  
28 on or about October 27, 2004, from Umpqua Bank,  
account number 990050544, held in the name of David  
Nunez;

///  
1

- d. Approximately \$16,889.93 in U.S. Currency seized on or about October 27, 2004, from Wells Fargo Bank, account number 0039971692, held in the name of David Nunez;
- e. Approximately \$4,991.25 in U.S. Currency seized on or about October 27, 2004, from Redwood Credit Union, account number 11000000212028, held in the name of David Nunez;
- f. Approximately \$8,616.50 in U.S. Currency seized on or about October 27, 2004, from Savings Bank of Mendocino County, account number 02080911, held in the name of David Nunez;
- g. Approximately \$14,476.30 in U.S. Currency seized on or about October 27, 2004, from Bank of America, account number 01282-06808, held in the name of David Nunez;
- h. All funds in Bancomer Bank Account Number 1115613736 located in Mexico; and
- i. All funds in Bancomer Bank Account Number 00143052648 located in Mexico.

AND WHEREAS, the Court also ordered defendant Guadalupe Maria Luna, pursuant to 18 U.S.C. § 982(b)(1) (incorporating 21 U.S.C. §§ 853(e)(4) & (p)(3)) and 18 U.S.C. § 983(I), to repatriate the following properties within thirty (30) days of any repatriation order and to deliver them to the United States Marshals Service in a manner and form designated in writing by the United States. If any of the properties are presently restrained by law enforcement agencies, defendant Guadalupe Maria Luna shall repatriate such properties within thirty (30) days from the date of notice of the release of any such restraint. An Order to Repatriate Funds Subject to Forfeiture was filed June 28, 2006, ordering the repatriation of the following properties:

- h. All funds in Bancomer Bank Account Number 1115613736 located in Mexico; and
- i. All funds in Bancomer Bank Account Number 00143052648 located in Mexico.

1 AND WHEREAS, on August 3, 10 and 17, 2006, the United States  
2 published notice of the Court's Preliminary Order of Forfeiture in  
3 the Ukiah Daily Journal (Mendocino County), a newspaper of general  
4 circulation located in the county in which the subject properties  
5 were seized. Said published notice advised all third parties of  
6 their right to petition the court within thirty (30) days of the  
7 publication date for a hearing to adjudicate the validity of their  
8 alleged legal interest in the forfeited properties;

9 AND WHEREAS, the Court has been advised that no third party has  
10 filed a claim to the subject properties, and the time for any person  
11 or entity to file a claim has expired.

12 Accordingly, it is hereby ORDERED and ADJUDGED:

13 1. A Final Order of Forfeiture shall be entered forfeiting to  
14 the United States of America all right, title, and interest in the  
15 above-listed properties pursuant to 18 U.S.C. § 981(a)(1)(C), as  
16 incorporated by 28 U.S.C. § 2461(c), to be disposed of according to  
17 law, including all right, title, and interest of defendants David  
18 Nunez Maldonado and Guadalupe Maria Luna.

19 2. All right, title, and interest in the above-listed  
20 properties shall vest solely in the United States of America.

21 3. The United States Marshals Service shall maintain custody  
22 of and control over the subject properties until they are disposed  
23 of according to law.

24 SO ORDERED THIS 14th day of December, 2006.

25  
26 /s/ David F. Levi  
27 DAVID F. LEVI  
28 Chief United States District Judge